IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 17278 of 2004

Between:

1 Kotni Bhaskar Rao, S/o.Late Pothanna,
D.No.65-6-713, Himachal Nagarl, Opposite Zine Gate,
New Gazuwaka, Visakhapatnam.
2 Sk. Mishkin, S/o.Peer Ahmed,
D.No.17/240/3, Kanithi Road, Azamabad,
New Gazuwaka, Visakhapatnam.
3 Sappagaddi Satti Babu, S/o.Late China Babu,
D.No.21-54-19, Peda Korada, Peda Gantyada Mandal,

R.H.Colony, Visakhapatnam.
4 Shappidi Narasinga Rao, S/o.Late Venkata Rao,
D.No.18-33-12/1, China Korada, Nadipudi Post,
Peda Gantyada Mandal, Visakhapatnam.
5 Polarapu Ustalu, S/o.Ustalu,
D.No.65-3-723, New Ex-Service men Colony,
Sriharipuram, Malkapuram Post, Visakhapatnam.

..... PETITIONERS

AND

1 Bridge and Roof Co. (India) Ltd., a Govt. of India

underkaing, rep.by its M.D., 427/1, Grand Trunk Road,
Howrah.
2 Bridge & Rood Co. (India) Ltd. a Govt.of India undertaking,

rep.by its Resident Engineer, HPCL site, Visakha Refinery,

Malkapuram, Visakhapatnam-11.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of Mandamus declaring the action of the respondents in removing the petitioners herein vide removal orders in and effecting large scale termination of the employees vide notice dated 11-9-2004 in the Notice Board as arbitrary, illegal, unjust, contrary to law, violative of the fundamental rights guaranteed under Article 14, 16, 21 of the Constitution of India and issue a consequential direction to set aside the same.

Counsel for the Petitioners: MR L.RAVICHANDER, ADVOCATE FOR MR S. RAMACHANDRA PRASAD

Counsel for the Respondents: MR A. SANJEEVA KUMAR

The Court at the admission stage made the following :

ORDER:

The petitioners were engaged as workmen of various categories, by the respondents. On 11.09.2004, a notice was displayed intimating the petitioners and others that their claims would be settled on that day itself. The petitioners challenge the action of the respondents in proposing to terminate their services.

The respondents filed counter affidavit stating that the petitioners are engaged for undertaking work on contract and since the work has come to an end, their services were terminated duly following the procedure prescribed under Section 25-F of the Industrial Disputes Act (for short 'the Act').

Sri L.Ravichander, Advocate, appearing for Sri S.Ramachandra Prasad, learned counsel for the petitioner, submits that the respondents have resorted to the termination of services of the petitioners, though there exists substantial work. He also contends that the steps taken by the respondents are violative of the fundamental right of the petitioners under Article 21 of the Constitution of India, since it results in denial of livelihood to them.

Sri Sanjeeva Kumar, learned counsel for the respondents, on the other hand, submits that though the petitioners were initially engaged through a labour contractor, in all fairness to them, the respondents have extended the benefit under Section 25-F of the Act and other provisions, while terminating their services.

The complaint of the petitioners is that the procedure adopted by the respondents for terminating their services is contrary to law and that the termination is not warranted. In the matter of termination of services of workmen, this Court would be too reluctant to interfere. The aggrieved persons have to avail the remedy before the labour Court, if they are aggrieved by such termination. There are instances, where the High Court interfered in such matters, if the retrenchment is in violation of Section 25-F of the Act. Along with the counter affidavit, the respondents have enclosed the individual orders passed in relation to each of the petitioners, offering them one month salary in lieu of notice, and retrenchment compensation of three months salary, apart other benefits. In that view of the matter, it cannot be said that there is any infraction of the procedure prescribed under Section 25-F of the Act. Therefore, this Court does not find any basis to interfere with the steps taken by the respondents.

Hence, the writ petition is disposed of, leaving it open to the petitioners to avail the

remedy before the labour Court or Industrial Tribunal, if they still feel aggrieved by the nature or method of termination of their services. Since there is a strong assertion by the petitioners that the work still exists, it is made clear that in case the respondents intend to engage any workmen, the case of the petitioners shall be considered on priority basis. There shall be no order as to costs.

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01.12.2004

Jsu

To

1 The Managing Director, Bridge and Roof Co. (India) Ltd., a Govt. of India underkaing, 427/1, Grand Trunk Road,
Howrah.
2 The Resident Engineer, Bridge & Rood Co. (India) Ltd. a Govt.of India undertaking, HPCL site, Visakha Refinery,

Malkapuram, Visakhapatnam-11.

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